



U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)
INFORMATIONAL HANDOUT ON ADOPTION
US EMBASSY HONDURAS

The U.S. Embassy in Honduras has prepared this informational handout about procedures for Honduran adoption. Please feel free to contact us directly at the addresses and telephones indicated at the end of this handout to discuss questions or problems. *We are committed to making the final steps in taking your child home as trouble free as possible.*

Based on our experience, the principal and almost sole impediment to immigrant visa petition approval and visa issuance relates to the legal definition of orphan contained in Section 101(b)(1)(F) of the Immigration and Nationality Act (here after referred to as the Act). It is possible to adopt a child under the Honduran Law who would not qualify under the US law to enter the United States. In order **to qualify for a U.S. immigrant visa as the adopted child of a US citizen(s), a child must be “an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from both parents, or for whom the sole surviving parent is incapable of providing the proper care and has in writing irrevocably released the child for immigration and adoption.”**

I. GENERAL INFORMATION

State rather than federal law governs adoptions in the United States. States generally recognize adoptions concluded in other jurisdictions, but you should consult an attorney or adoption agency to confirm that an adoption decree from Honduras will be valid in the state where you reside.

US immigration law provides for two ways that a child adopted abroad can qualify for such a visa:

1) **An orphan child**, who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from both parents, or for whom the sole surviving parent is incapable of providing the proper care, and has in writing irrevocably released the child for immigration and adoption, as defined in Section 101(b)(1)(F) (i) of the Act. In such case, an orphan immigrant visa petition (Form I-600) must be filed before the child is 16 years of age. Or a child who is a natural sibling of a child described in clause (i) or subparagraph (F)(i); (II) was adopted by the adoptive parent

or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child was adopted while under the age of 18 years.

2) **A non-orphan adopted child** (who does not qualify as an orphan) is a child who has been adopted under the age of 16, and must have resided with, and been in the legal custody of, the adopting parent(s) for at least two years prior to the filing of the immigrant visa petition (Form I-130).

The U.S. immigration process of an adopted child by an U.S. citizen involves two Agencies, the U.S. Citizenship and Immigration Services (USCIS), and the U.S. Consulate in Honduras. Each Agency has its own function/responsibility. The USCIS processes and adjudicates forms I-600A and I-600 and determines if the child is an orphan according to U.S. law. The U.S. Consulate issues de immigrant visa once the I-600 petition is approved.

II. IMMIGRATION INTO THE UNITED STATES

Basic Orphan Petition Procedures

Petitioning for an orphan involves two distinct procedures:

1. Advance Processing
2. Orphan Petition

1) Advance Processing

This process focuses on the ability of the prospective adoptive parents to provide a proper home environment and on their suitability as parents. This determination, based primarily on a home study and fingerprint checks, is essential for the protection of the orphan.

US citizens who plan to adopt a foreign orphan but do not have a specific child in mind yet, must file an Application for Advance Processing of Orphan Petition (Form I-600A) with the US Citizenship and Immigration Services (USCIS) office having jurisdiction over their place of residence as soon as a decision to adopt is made.

(a) Eligibility for Advance Processing

An application for advance processing may be filed by a married United States citizen of any age and his or her spouse of any age, or an unmarried United States citizen, who is at least 24 years old at the time he or she files the advanced processing application and at least 25 years old at the time he or she files the orphan petition. The spouse of the United States citizen may be a citizen or an alien. An alien spouse must be in lawful immigration status if residing in the United States.

(b) Form Used for Advance Processing

Form I-600A, Application for Advance Processing of Orphan Petition. All necessary documents that must accompany the form are listed on the form (**Attachment 1.**) Current filing fee is \$525.00.

(c) Decision

Approved I-600A petitions are valid for eighteen (18) months from the date of approval. A Notice of Favorable Determination Concerning Application for Advance Processing of Orphan Petition (*Form I-171H*), is sent to the prospective adoptive parent(s). This decision, however, does not guarantee that the orphan petition(s) to be filed will be approved. An orphan petition may still be denied because the child does not qualify as an orphan or for other proper cause.

(d) Overseas Orphan Investigation I-604

As part of the normal processing, an orphan investigation is performed with the purpose of confirming that the child is an orphan as defined in the law; that the child does not have an illness or disability not described in the orphan petition, and to avoid any possibility of fraudulent practices. Not only is it the responsibility of the USCIS to make every effort to ensure that an orphan petition does not involve fraudulent adoption practices. The investigation is also done as a service to the adoptive parent(s) because it protects them from a potential heartbreaking situation and/or adverse legal proceeding, which may occur when the legality of an adoption is subsequently challenged.

Title 8 of the Code of Federal Regulations, section 204.3(k)(1) establishes that an I-604 investigation must be completed for every orphan case. An I-604 investigation shall be completed before an I-600 petition is adjudicated abroad. Depending on the circumstances surrounding the case, the I-604 investigation shall include, but shall not necessarily be limited to, document checks, telephonic checks, interview(s) with the natural parent(s), and/or a field investigation. See **Attachment 2.**

Prospective adoptive parent(s) should contact the USCIS office at the US Embassy in Tegucigalpa for details on processing times.

2. Orphan Petition

The orphan petition focuses on whether the child is an orphan according to section 101(b)(1)(F) of the Act. The orphan petition is filed on Form I-600, Petition to Classify Orphan as an Immediate Relative. This form lists the documents required, but we have listed them in **Attachment 3** for your convenience. The filing fee is \$525.00 and must always be paid except when an Advance Processing Application (Form I-600A) is within 18 months of a favorable decision. When more than one petition is submitted by the same petitioner on behalf of orphans who are siblings, only one fee is required.

A US citizen residing outside the United States may file an I-600A concurrently with the I-600 (Code of Federal Regulations, Title 8, Section 204.3.) Under this concurrent procedure, Form I-600 serves as both the Forms I-600A and I-600, and the prospective parents should not file a separate Form I-600A. Please review the requirements listed on ***Attachment 4***.

III. HONDURAN ADOPTION REQUIREMENTS

Articles 120 through 184 of the Honduran Family Code of 1984 govern adoptions in Honduras. This Code stipulates that:

- 1) At least one member of the adoptive couple must be 25 but no more than 50 years of age. Single persons may adopt, provided that they are at least 25 but not more than 50 years of age.
- 2) In the case of a married couple, both partners must petition for the adoption. The petition cannot be filed by only one member of the couple.
- 3) The child to be adopted must be at least 15 years younger than the youngest member of the adopting couple must.
- 4) The initial adoption petition must be presented in person by the prospective adoptive parent(s). It cannot be done through an intermediary. In practical terms, this means that both members of an adoptive couple must come to Honduras.
- 5) Foreigners who are not permanent legal residents of Honduras must obtain a written “follow up certification” from a US adoption agency which is licensed and duly registered with the Instituto Hondureño de la Niñez y la Familia (IHNFA), which is a social welfare agency charged by the Honduran government with overseeing local and international adoptions. The certification must state that the Agency will check periodically on the well-being of the child until he/she reaches the age of fourteen, provide written reports to the IHNFA, and ensure that the adoptive parents meet their obligations to the child. See ***Attachment 5*** for a current list of adoption agencies registered with IHNFA.
- 6) Honduran children become eligible for adoption in one of two ways:
 - (i) Abandoned children, whose parents are unknown, cannot be found, or who have refused to care for their offspring. This group may include children left unclaimed in a hospital, children who have been neglected/abused, or those whose parents have died. Such children are remanded to the custody of the Court of Child, which normally places them in the care of state orphanage and attempts to locate natural parents. If the natural parents cannot be located, the court will issue an “abandonment decree”, which becomes effective 90 days after it has been officially published. This period, which is intended to

provide time for the natural parent to come forward, is established by law and cannot be shortened. Adoption proceedings cannot begin until a final decree of abandonment has been issued.

- (ii) Child relinquished for adoption occurs when a parent(s) voluntarily gives up his/her child for adoption. Honduran law does not allow both parents to relinquish their children directly to a Honduran government agency such as the IHNFA, and permits relinquishment only directly to the prospective adoptive parents. Because under US immigration law a relinquishment or release by the parents for a specific adoption does not legally constitute abandonment, such a child **cannot be considered an orphan**. However, US immigration law does provide that, the child of a sole or surviving parent may be considered an orphan if that parent is unable to care for the child properly and forever and irrevocably releases him/her for emigration and adoption. Under some circumstances the child of an unwed mother may be considered to be an orphan as long as the natural father has disappeared, deserted or abandoned the child, and the natural mother is not married which would result in the child having a stepfather under the US law.

IV. HONDURAN ADOPTION PROCEDURE:

1) General Overview:

There are no private adoptions in Honduras. Adoptions in Honduras usually take from six months up to one year. You may encounter individuals who will offer to facilitate or shorten the adoption procedure. In practice they usually fail to deliver. All adoptions must go through IHNFA.

You will need to hire a Honduran attorney since only an attorney may present your petition for adoption to the Courts. Most adoption U.S. agencies, that are registered with the IHNFA, have contracts with designated attorneys in Honduras. You are not required to work with these attorneys and may select a different one if you choose. However the Embassy cannot recommend lawyers or assume responsibility for their professional performance. The Consulate also maintains a notebook of letters from adoptive parents who have adopted in Honduras available for your review before selecting an attorney.

Legal fees normally run from \$6,000 to \$8,000 but sometimes can be several thousand dollars more. For your own protection, you should negotiate all fees with your attorney before beginning the adoption process. Be sure that all services to be included are specified, e.g., attorney's expenses, translation services, court fees, authentications, etc. Also be careful not to pay fees in full in advance since your attorney will then have no incentive to finish the adoption quickly and you will have no recourse in the event of a dispute. Children who are eligible for adoption are placed in IHNFA's care until adoptive parents have been selected; at which time they may be transferred to a foster home.

2) Documents required for filing an Adoption Petition in Honduras

- * USCIS approval to adopt a child (Form I-171H).
- * Family photographs
- * Copy of applicant(s) passport(s)
- * Applicant(s) birth certificate(s)
- * Applicants marriage certificate
- * Applicant(s) certificate(s) of good health from licensed physician including laboratory urine and stool exams and blood tests, including for HIV/AIDS.
- * Applicant(s) certificate(s) of good conduct from local police.
- * Applicant(s) verification of employment specifying position, salary, length of service and benefits.
- * Copy of adoption law in applicant(s) state of residence.
- * Two recent, color photographs of applicant(s) home front view and neighborhood.
- * Three letters of reference from recognized and respected members of applicant(s) local community (such as government, school or church officials).
- * Certified bank statements giving the status of applicant(s) account.
- * Certified copy of the title to any property the applicant(s) may own.
- * **Home study prepared by an authorized and licensed social welfare agency located near the place where applicant(s) reside.**
- * A "follow up certification" from the adoption agency that will oversee applicant(s) adoption until the child reaches the age of 14.
- * Written certification from the nearest Honduran consulate that applicant(s) have met all state adoption requirements and that the adoption agency handling your case is licensed to practice in that state.

A Honduran Consulate must authenticate all these documents in the US. Once they arrive in Honduras the documents must be authenticated by the Honduran Foreign Affairs Ministry and Ministry of Government and Justice. All documents in English must be translated into Spanish before the Honduran Foreign Affairs Ministry authenticates them. Authentication usually requires at least three to four weeks and sometimes longer.

3) Steps to Complete an Adoption in Honduras:

- (i) File a petition to adopt a child at the IHNFA.

The IHNFA will provide you or your attorney with an Adoption Request Form, that must be presented together with the documents and their translation listed in item 2 above (page 6). You must provide two sets. We recommend that you keep another set in case they get lost.

Once your application is reviewed and all requirements are met, your request will be placed on their list of applicants until a child is assigned to you (this may take months or up to one year). You cannot choose a particular child. You may refuse to accept the child assigned to you, provided that you have an acceptable reason for doing so. However, if you refuse a second child assigned to you, adoption proceedings will be terminated. Once you have a child assigned¹, the prospective adoptive parent(s) are required to come to Honduras to meet the child, and also to be psychologically and socially evaluated by IHNFA's social worker and staff psychologist. The results of these evaluations will be used in the preparation of a report recommending or denying the adoption to the Family Court. At this point, the adoptive child may be placed with a foster care family at your own expense. The IHNFA will place a child in your care only if you will remain in Honduras until the adoption has been completed.

- (ii) File a petition to adopt a child at the Honduran Family Court.

Once you have completed the IHNFA's procedure, you must file a petition to adopt at the Family Court. The adoptive parent(s) must personally file this petition at the Court. Once the Court has reviewed your petition and determined that you meet the legal requirements to adopt, they will send an order for IHNFA to provide the court with a formal report on your social, psychological and economic suitability to adopt. You should insist that your attorney follow up with the Court to ensure that this order is sent promptly. It normally takes the IHNFA approximately twelve weeks to complete this report. At the same time, the court will direct your attorney to publish your intent to adopt in the official government publication, *La Gaceta*, and in a local newspaper. Your attorney should send you copies of these publications. The Immigrant Visa Unit at the U.S. Consulate requires originals.

When the Court receives IHNFA's report and proof of publications, they will take your case under advisement. If all is in order, a final sentence adoption decree will be issued within about three weeks.

- (iii) Notarize the Court's Final Adoption Sentence Decree into a Public Deed.

Your attorney must notarize the final adoption decree, and a Public Deed will be executed. In case your adoptive child is an abandoned child you and IHNFA's President will sign the Public Deed. In case you have adopted a child by relinquishment, you and the child's biological parent sign the Public Deed. You or your attorney must take the Court's Final Adoption Decree, the Public Deed and proof of publication to the Civil Registrar's office to register your child and to obtain a new birth certificate showing your child's new name and listing you and your spouse (if applicable) as parents. An adoption certificate will also be issued. This process usually takes one to five days.

¹ As soon as a child is assigned to you please contact the USCIS office in Tegucigalpa and provide the documents listed in **Attachment 2** of this handout.

V. COMPLETION OF US IMMIGRATION PROCEDURE

Once you have completed your adoption you are ready to proceed with the US immigration procedure as follows:

1. Advise the USCIS regional office at the US Embassy in Tegucigalpa that you have completed your adoption and provide originals and one set of copies of the documents listed in **Attachment 3**, and make an appointment to file your I-600 petition. All documents must be translated into English (see next page for contact information.)
2. File your I-600 petition at the USCIS office, located at the US Embassy Consulate in Tegucigalpa, window # 11. Appointments are given for Mondays, Wednesdays and Thursdays. Petitions are usually approved within two working days (if all appropriate documentation is in order) and the CIS transfers the approved petition to the Consular Section upon approval. A written notification of approval is given to you.
3. Your child must have a medical exam by one of the Embassy's approved panel physicians. Current fees are approximately \$200 or the equivalent in Lempiras. You must take the child's passport bearing the child's new name to the physician's office.
4. The last step is for you or your spouse to take your child to the Consular Section of the US Embassy for the immigrant visa interview. Although your child must be present, only one parent needs to attend. Please see the Immigrant Visa Unit for the documents required for the immigrant visa. Current fees are \$335.00 for the immigrant visa application and the visa (or the equivalent in Lempiras), plus \$1.00 per page for required photocopies (only cash or US money orders are accepted). Provided that all is in order, a visa will be issued the same day. Once issued the visa will be valid for travel to the United States at any time within six months from the date of issuance.

VI. OBTAINING U.S. CITIZENSHIP FOR YOUR ADOPTED CHILD

On February 27, 2001, **The Child Citizenship Act** entered in effect and states that certain foreign born children, including adopted children currently residing permanently in the U.S. will acquire citizenship automatically. A child adopted and residing abroad remains a national of his/her country of origin and must have a foreign passport and immigrant visa to enter the United States. (See I. GENERAL INFORMATION pages 1 and 2.) To be eligible for citizenship, an adopted child must meet the requirements listed on **Attachment 6**.

US Consulate Honduras
Unit 2909
APO AA 34022

US Citizenship and Immigration Services
Unit 2905
APO AA 34022

Phone: (504) 236-9320 X 4611 Phone: (504) 236-9320, Extension 4500
Hours: 3-5 PM Fax: (504) 236-9107
 hours: 8 am - 5 PM

ATTACHMENTS:

1. Requirements for I-600A Application for Advance Processing of Orphan Petition
2. Documents required for USCIS' orphan investigation
3. Requirements for I-600 Petition to Classify Orphan as an Immediate Relative
4. Requirements for concurrent filing of I-600A and I-600
5. List of U.S. adoption agencies registered with IHNFA
6. The Child Citizenship Act

ATTACHMENT 1
**LIST OF REQUIREMENTS FOR FILING AN I-600A APPLICATION FOR ADVANCE
PROCESSING OF ORPHAN PETITION**

1. Form I-600A fully completed.
2. Evidence of petitioner's United States citizenship. If petitioner is married and his/her spouse is living in the United States, evidence of this spouse's United States citizenship or lawful immigration status.
3. Copy of the petitioner's marriage certificate if currently married.
4. Evidence of legal termination of all previous marriages by petitioner and/or spouse.
5. Two sets of completed and fully classifiable fingerprint cards of each member of the prospective adopting married couple or the unmarried prospective adopting parent - Form FD 258 (other forms are not acceptable.)
6. Evidence of compliance with pre adoption requirements, if any, of the State of the orphan's proposed residence in cases where it is known that there will be no adoption abroad.
7. Two sets of fingerprint cards (FD-258) for each additional adult member of the prospective adoptive parents' household.
8. **Home study (must not be older than six months old at the time of submission to the Service)** In addition to meeting any State, professional or agency requirements, a home study must include the following:
 - A. Personal interview(s) and home visit(s).
 - B. Assessment of the capabilities of the prospective adoptive parents to properly parent the orphan:
 1. Assessment of the physical, mental, and emotional capabilities of the prospective adoptive parents to properly parent the orphan
 2. Assessment of the finances of the prospective adoptive parents
 3. History of abuse and/or violence
 - i. Screening for abuse and violence
 - Checking available child abuse registries
 - Inquiring about abuse and violence
 - ii. Information concerning history of abuse and/or violence
 - iii. Evidence of rehabilitation
 - iv. Failure to disclose or cooperate
 4. Previous rejection for adoption or prior unfavorable home study.
 5. Criminal history
 - C. Living accommodations
 - D. Handicapped or special needs of orphan
 - E. Summary of the counseling given and plans for post-replacement counseling
 - F. Specific approval of the prospective adoptive parents for adoption
 - G. Home study preparer's certification and statement of authority to conduct home studies
 - H. Review of home study
(If the prospective adoptive parents reside abroad, an appropriate public or private adoption agency licensed, or otherwise authorized, by any State of the United States to place children for adoption, must review and favorably recommend the home study before it is submitted to this Service.)
 - H. Home study updates and amendments
9. Fee of US\$ 525.00, or money order issued to the U.S. Citizenship and Immigration Services, or receipt of payment at the US Embassy.

ATTACHMENT 2

The United States Citizenship and Immigration Services (USCIS) requires that all adoption cases be investigated before an immigrant visa is approved. In order to conduct this investigation the following documents must be submitted to the USCIS office at the American Embassy in Tegucigalpa ***as soon as you have been assigned a child.***

In case of an abandoned child:

1. Child's birth certificate (which bears the natural parent's last name if available) issued by the National Registry (Registro Nacional de las Personas).
2. Abandonment certificate from the minors' court.
3. Child's photograph.
4. Address, telephone where minor resides.
5. Complete name of person/institution in charge of the child during the adoption process.
6. Abandonment report (by hospital, and/or foster home, and/or orphanage).

In case of Relinquishment:

1. Child's birth certificate issued by the National Registry (Registro Nacional de las Personas).
2. Biological mother's relinquishment executed before a court.
3. Hospitals certificate if child was born in a hospital. Make sure the certificate has a file number. Or statement by midwife before a notary public.
4. Present address and telephone number of sole surviving parent.
5. Photocopy of biological parent's ID card.
6. Address, telephone where minor resides.
7. Complete name of person/institution in charge of the child during the adoption process.
8. Child's photograph.

ATTACHMENT 3

Supporting documentation for an I-600 petition for an identified orphan. Documents not in the English language must be accompanied by a certified English translation – a copy of each document is required:

1. Form I-600 fully completed
2. Child's new and old birth certificates.
2. Final Sentence issued by the Court ("Sentencia Final").
3. Final Adoption Decree ("Escritura Publica").
4. Adoption Register issued by the Registro Nacional de las Personas.
5. Original Abandonment Decree issued by the Court or Relinquishment Certificate issued by the Court (as applicable).
6. Newspaper ads, one in "La Gaceta" and the other in any local newspaper.

ATTACHMENT 4

US CITIZEN RESIDING OUTSIDE THE UNITED STATES MAY FILE AN ORPHAN PETITION CONCURRENTLY WITH THE ADVANCED PROCESSING APPLICATION. Under this concurrent procedure, Form I-600 serves as both the Forms I-600A and I-600, and the prospective adoptive parents should not file a separate Form I-600A. The following supporting documents must accompany a petition filed concurrently with the application under this provision:

1. Form I-600 fully completed.
2. Evidence of petitioner's United States citizenship. If petitioner is married and his/her spouse is living in the United States, evidence of this spouse's United States citizenship or lawful immigration status.
2. Copy of the petitioner's marriage certificate if currently married.
3. Evidence of legal termination of all previous marriages by petitioner and/or spouse.
4. Two sets of completed and fully classifiable fingerprint cards of each member of the prospective adopting married couple or the unmarried prospective adopting parent - Form FD 258 (other forms are not acceptable.)
5. Evidence of compliance with pre adoption requirements, if any, of the State of the orphan's proposed residence in cases where it is known that there will be no adoption abroad.
6. Two sets of fingerprint cards (FD-258) for each additional adult member of the prospective adoptive parents' household.
7. **Home study (see *Attachment I* for the list of requirements) (not older than 6 months.)**
8. Child's new & old birth certificates.
9. Final sentence by family court ("Sentencia Final").
10. Final adoption decree ("Escritura Publica").
11. Adoption registry issued by the Registro Nacional de las Personas.
12. Final abandonment decree or relinquishment before the court (as applicable).
13. Newspaper adds, one in "La Gaceta" and the other in any local newspaper.
14. Fee of US\$ 525.00, or money order issued to the US Citizenship and Immigration Services, or receipt of payment at the US Embassy.

ATTACHMENT 5

List of Adoption Agencies Registered at the Instituto Hondureño del Niño y la Familia (IHNFA)

This list has been provided by the IHNFA for information only, the agencies here listed are not recommended by the US Embassy. **Please contact the Agency or INHFA to verify if their license in Honduras still valid. INHFA 0-11 (504) 235-3565**

VIDA
Voice for International Domestic Adoption
354 Allen Street
Hudson, New York 12534
U.S.A

Phone: (518) 828-4527
Fax (518) 828-0688
Email: vidaadopt@aol.com <<mailto:vidaadopt@aol.com>>

ATTACHMENT 6

THE CHILD CITIZENSHIP ACT

To be eligible, a child must meet the definition of “child” for naturalization purposes and must meet the following requirements:

1. The child has at least one U.S. citizen parent.
2. The child is under 18 years of age.
3. The child is currently residing permanently in the U.S. in legal and physical custody of the U.S. citizen parent.
4. The child is a lawful permanent resident.
5. An adopted child meets the requirements applicable to adopted children under immigration law.

CHILDREN BORN AND RESIDING OUTSIDE THE UNITED STATES; CONDITIONS FOR ACQUIRING CERTIFICATE OF CITIZENSHIP

A parent who is a citizen of the United States may apply for naturalization on behalf of a child born outside of the United States who has not acquired citizenship automatically under section 320. The Attorney General shall issue a certificate of citizenship to such parent upon proof, to the satisfaction of the Attorney General, that the following conditions have been fulfilled:

1. At least one parent is a citizen of the United States, whether by birth or naturalization.
2. The United States citizen parent--
 - (A) Has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years; or
 - (B) Has a citizen parent who has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.
3. The child is under the age of eighteen years.
4. The child is residing outside of the United States in the legal and physical custody of the citizen parent, is temporarily present in the United States pursuant to a lawful admission, and is maintaining such lawful status.

More information is available at www.uscis.gov